



January 27, 2014

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## HOUSE BILL No. 1039

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DIGEST OF HB 1039 (Updated January 27, 2014 10:28 am - DI 113)

**Citations Affected:** IC 15-11.

**Synopsis:** Indiana grown initiative. Establishes the Indiana grown initiative to market and promote Indiana produced agricultural products. Establishes a commission appointed by the secretary of agriculture and rural development. Creates the Indiana grown initiative fund.

**Effective:** July 1, 2014.

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**Lehman, Cherry, Goodin, Battles,  
Lehe, Gutwein, Morrison, Bacon,  
Beumer, Dermody, Friend, Negele,  
Niezgodski, Bauer, Klinker**

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January 7, 2014, read first time and referred to Committee on Agriculture and Rural Development.

January 21, 2014, amended, reported — Do Pass.

January 23, 2014, referred to Committee on Ways and Means pursuant to Rule 127.

January 27, 2014, amended, reported — Do Pass.

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January 27, 2014

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## HOUSE BILL No. 1039

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 15-11-12 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2014]:

4 **Chapter 12. Indiana Grown Initiative**

5 **Sec. 1. As used in this chapter, "commission" refers to the**  
6 **Indiana grown commission established by section 3 of this chapter.**

7 **Sec. 2. As used in this chapter, "program" refers to the Indiana**  
8 **grown initiative program established by section 8 of this chapter.**

9 **Sec. 3. The Indiana grown commission is established.**

10 **Sec. 4. (a) The commission consists of the following members:**

11 **(1) The director or the director's designee, as an ex officio**  
12 **member, who serves as chairperson of the commission.**

13 **(2) Two (2) members who represent an organization or**  
14 **association that represents the agriculture industry and**  
15 **growers of Indiana produced agricultural products.**

16 **(3) Two (2) members who represent an organization or**

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1 association that represents restaurants that sell Indiana  
2 produced agricultural products.

3 (4) Two (2) members who represent an organization or  
4 association that represents retailers that sell Indiana  
5 produced agricultural products.

6 (5) Two (2) members who represent farmers' markets that sell  
7 Indiana produced agricultural products. The members may  
8 not be producers of agricultural products.

9 (6) Two (2) members who have expertise in marketing,  
10 promotions, or agritourism.

11 The secretary shall appoint the members under subdivisions (2)  
12 through (6).

13 (b) The term of a member appointed under subsection (a)(2)  
14 through (a)(6) is three (3) years. The secretary may stagger the  
15 initial terms of the members under this subsection.

16 Sec. 5. The commission shall meet at least quarterly at the call  
17 of the chairperson.

18 Sec. 6. Six (6) voting members of the commission constitute a  
19 quorum. The affirmative vote of at least six (6) members of the  
20 commission is necessary for the commission to take action.

21 Sec. 7. (a) A member of the commission is not entitled to the  
22 minimum salary per diem provided by IC 4-10-11-2.1(b). However,  
23 a member is entitled to reimbursement for traveling expenses and  
24 other expenses actually incurred in connection with the member's  
25 duties, as provided in the state travel policies and procedures  
26 established by the Indiana department of administration and  
27 approved by the budget agency.

28 (b) Expenses under this section shall be paid from money in the  
29 Indiana grown initiative fund established by section 9(a) of this  
30 chapter. However, if there is insufficient money in the fund to pay  
31 the expenses, the department shall reimburse the expenses from  
32 funds appropriated to the department.

33 Sec. 8. (a) The Indiana grown initiative program is established  
34 to market and promote Indiana produced agricultural products to  
35 Indiana residents, restaurants, grocery stores, farmers' markets,  
36 wholesalers, processors, and other retail businesses.

37 (b) The commission shall develop, administer, market, and  
38 promote the program.

39 (c) The commission may establish fees for participation in the  
40 program. Any fees collected must be deposited into the fund.

41 (d) The commission may adopt rules under IC 4-22-2 to  
42 administer this chapter.



1 (e) The department shall provide administrative support for the  
2 commission and program.

3 Sec. 9. (a) The Indiana grown initiative fund is established for  
4 the purpose of carrying out the purposes of this chapter. The fund  
5 shall be administered by the department.

6 (b) The fund consists of the following:

7 (1) Fees collected under this chapter.

8 (2) Appropriations.

9 (3) Gifts, contributions, and grants.

10 (c) The expenses of administering the fund shall be paid from  
11 money in the fund.

12 (d) The treasurer of state shall invest the money in the fund not  
13 currently needed to meet the obligations of the fund in the same  
14 manner as other public money may be invested. Interest that  
15 accrues from these investments shall be deposited in the fund.

16 (e) Money in the fund at the end of a state fiscal year does not  
17 revert to the state general fund.

18 Sec. 10. (a) Before November 1 of each year, the commission  
19 shall submit a report to the legislative council that:

20 (1) details the commission's activities under this chapter  
21 during the preceding state fiscal year;

22 (2) recommends any legislation the commission considers  
23 useful in coordinating and streamlining the efforts of state  
24 government to assist and encourage the establishment and  
25 growth of small businesses in Indiana; and

26 (3) provides any other information determined by the  
27 commission.

28 (b) The annual report submitted under this section must be in  
29 an electronic format under IC 5-14-6.



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1039, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 9, delete "marketing and" and insert "**marketing, promotions, or agritourism.**".

Page 2, delete line 10.

Page 3, line 5, delete "commission." and insert "**department.**".

and when so amended that said bill do pass.

(Reference is to HB 1039 as introduced.)

LEHE, Chair

Committee Vote: yeas 12, nays 0.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1039, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture.

Page 3, delete lines 18 through 19.

Page 3, delete lines 32 through 38.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1039 as printed January 24, 2014.)

BROWN T, Chair

Committee Vote: yeas 18, nays 0.

